



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार 11 सितम्बर, 2001/20 भाद्रपद, 1923

हिमाचल प्रदेश सरकार

REVENUE DEPARTMENT
(Project Cell)

NOTIFICATION

Shimla-171002, the 6th September, 2001

No. Rev.(PD)A(4)-1/2001.—The Governor, Himachal Pradesh, is pleased to notify the Scheme for the Resettlement and Rehabilitation of the oustees families of Kol Dam Hydro Electric Projects as per Annexure-A.

By order,

Sd/-

Financial Commissioner-cum-Secretary.

मूल्य : 1 रुपया ।

Date : 26-02-2000
At : DELHI

ANNEXURE-A

**Scheme for the Rehabilitation and Resettlement of
the Oustees of Kol Dam Hydro Electric Project**

0.0 For the acquisition of Kol Dam Hydro Electric Project, besides Government land, private land is also to be acquired by the Government for handing over to the Project Authority. Due to the acquisition of private land, many families will be affected and some of them will become houseless and landless. To protect the interests of the Oustees, adequate arrangements for the Rehabilitation and Resettlement have to be made.

Whereas Rule 8-A of the Himachal Pradesh Nautor Land Rules, 1968 provides for framing of a special scheme for the Resettlement and Rehabilitation of persons who are displaced as a result of anything done in any public purpose.

Therefore, the Government of Himachal Pradesh and NTPC hereby make the following scheme for Resettlement and Rehabilitation of the persons displaced on account of acquisition of their lands and other immovable properties under the Land Acquisition Act, 1894 (a of 1394) for the Construction of Kol Dam Hydro electric Project affecting people of Mandi, Shimla, Solan and Bilaspur Districts.

PART-I

1.0 This scheme may be called the Resettlement and Rehabilitation of the Oustees of Kol Dam Hydro Electric Project (grant of land and other benefits) Scheme, 1999.

1.1 It shall extend to the whole of area affected or likely to affected as a result of construction of a Kol Dam Hydro Electric Project covering parts of Mandi, Shimla, Solan and Bilaspur Districts.

1.2 In this scheme, unless there is anything repugnant in the subject of context,—

- (a) "Oustee" means a Land Owner who has been deprived of his house or land or both on account of acquisition proceedings/private negotiations in connection with the construction of Kol Dam Project and entitled to compensation of lieu thereof and includes his successors in interest.
- (b) "Family means husband/wife, who is entered as owner/co-owner of land in the Revenue Record, their children including step or adopted children and includes his/her parents and those brothers and sisters who are living jointly with him/her as per entries of Panchayat Parivar Register as on the date of Notification under Section-4 of the Land Acquisition Act, 1894. Provided that only the Panchayat Parivar Register entry, as it stood on the date of Notification under Section-4 of the Land Acquisition Act, 1984 shall be taken into account for the purpose of 'Separate Family' for Rehabilitation benefit i.e. consideration for employment etc.
- (c) The word 'Regular employment' means employment on regular basis in accordance with qualification.
- (d) "Holding" means the land holding possessed by the family of an Oustee immediately after acquisition of his property.

- (e) The words and expression used in this scheme but not defined herein, shall have the same meanings as assigned to them in the Himachal Pradesh Nautor Land Rules, 1968.

PART-II

2.0 Sanction of rehabilitation grant, infrastructural grant or facilities and grant to the families rendered houseless.

2.1.1 *Resettlement Grant.* Each oustee family which will be rendered houseless on account of acquisition of land/house of the KOL DAM Project shall be entitled to:

- (a) A compensation of Rs. 60,000/- in the form of houseless grant, and
- (b) Infrastructural facility in the oustee colony which will include developed house site measuring 50' x 40' (one plot for each family), electrification for street lights, line for drinking water suitable, pucca approach road/path and Sulabh Sauchalaya.

Families who do not opt for plot of land (including other infrastructure) will be entitled for Rs. 25,000/- as infrastructure grant in the same line.

2.1.2 A minimum of 25 to 30 families should opt for the plots 50' x 40' in lieu of acquisition of house in the resettlement colony. Only then the infrastructural facilities as specified at part-II earlier will be provided by the Project Authority in the resettlement colony. The following facilities will be considered as a one time, capital expenditure. The facilities developed shall, however, be handed over to the State Government on completion who will be responsible for its maintenance and its recurring expenditure at their own expenses.

- (a) *Primary School* : All capital expenditure for school building, furniture, black boards, other equipments would be provided by executing agency. However, the responsibility of running schools would be that of the State Government. In case, the State Government efforts do not materialize, the schools can be operated with the help of welfare agencies of the State or any other suitable alternative to be decided by the State Government at their expenses.
- (b) *Dispensary* : All capital expenditure for building, furniture, equipment etc. will be provided by the Project Authority. However, the running of dispensary would be the responsibility of the State Government.
- (c) One village pond, panchayat ghar, one drinking water well for atleast 25 to 30 families, renovation of existing well/hand pump shall be provided in the resettlement colony.

2.2 Rehabilitation Grant :

2.2.1 Landless Grant

The families who are rendered landless on account of acquisition of their land shall be eligible for landless grant in the following manner :—

- (i) Family which having more than 5 Bighas land rendered landless Rs. 50,000/-.
- (ii) Family whose land holding was less than 5 Bighas and rendered landless Rs. 45,000/-.
- (iii) Families who are left with less than one Biswa after acquisition will be treated as landless,

2.2.2 Eligible Family Grant:

Eligible families shall be those who do not became landless but their land holding is rendered to less than 5 Bighas on account of acquisition.

- (i) Families who are left with land more than one Biswa and upto 2-10-0 Bighas-one time grant of=Rs. 40,000/-.
- (ii) Families who are left with more than 2-10-0 Bighas but less than 5 Bighas-one time grant of=Rs. 35,000/-.

The Deputy Commissioner concerned will be the sanctioning authority for Rehabilitation grant, which shall be provided by the project authorities and placed at the disposal of the concerned Deputy Commissioner, for disbursement to eligible families. All these grants shall be in addition to the compensation paid under Land Acquisition Act.

2.2.3 EXPLANATION

For the purpose of this Scheme :

- (a) Houseless family means a family who is rendered houseless as a result of Acquisition of their house under the Land Acquisition Act.
- (b) Landless family/ouster means a family who is holding no land/with one Biswa or less than one Biswa after acquisition whether as an owner or a tenant.
- (c) Eligible family means a family who, after acquisition, holds less than 5 Bighas of land as a land owner or as a tenant.

Tenant as per the record of Government of Himachal Pradesh and list given by the State Government at the time of acquisition and section-4 Notification under LA Act, 1894.

The family who has been sanctioned the houseless grant for house construction shall have to construct a house at the place of their resettlement.

PART-III

3.0 Employment

Employment shall be provided by the Project Authority for personnel in the category of unskilled and skilled workmen as specified in Para 8.1 & 8.2 of the Agreement. The eligibility criterion for regular employment, where offered will be as follows. The status will be determined on the date of notification of transfer.

3.1 (Subject to the above) one member of each affected family will be short listed for consideration for employment depending upon the number of jobs in the Kol Dam Hydel Project, in the following manner:—

3.1.1 One member of each affected family, who is absolute owner of land or house or both, whether male or female, as per entries of revenue record, and entered as separate family in the Panchayat Parivar Register as on the date of Notification under section-4 of Land Acquisition Act, 1894.

3.1.2 In case of co-owners in the revenue record one member of each affected family consisting of male owner or widow, who are entered as separate family in the Panchayat Parivar Register as on the date of Notification under section-4 of Land

Acquisition Act, 1894. Unmarried daughters and sons, minor daughters and sons, who are co-owners of land as per entries in Revenue record shall be treated as family members of the widowed mother or any of the married elder brothers as recorded in Panchayat Parivar Register.

- 3.1.3 Only one member of such affected family consisting of widow as co-owner with her only daughter or daughters as co-owner or sons or daughters, if they all recommend, only one member against all shall be eligible for consideration of employment in the project and if they are entered as separate family in the Panchayat Parivar Register.
- 3.1.4 Only one member of such affected family consisting of only one or more than one daughter or son or sons and daughters as co-owners, if they all recommend one member against all, for consideration of employment in the project and if they are entered as separate family in Parivar Register.
- 3.1.5. In case of such affected families who are co-owners as a brothers and sisters and share of acquired land of each of such co-owners is one biswa or less and if they club their shares together with which quantum of acquired land becomes more than one biswa, only one member will be considered for employment against all such co-owners after their mutual consent.
 - (a) Provided that no member of a family whose total land acquired is one biswa or less, married daughter or heirs of pre-deceased married daughter, who are recorded as co-owners in the revenue record with their brothers, sisters or parents shall be eligible for consideration of employment in the project.
 - (b) No member of affected family shall be eligible for consideration of employment if quantum of his acquired land is one biswa or less.
 - (c) No person shall be eligible for consideration of employment in the project who is not entered as member of the concerned affected family in the Panchayat Parivar Register.
 - (d) No family shall be entitled to give its right for consideration of employment to a member of some other family.
 - (e) No person of his family member shall be eligible for consideration of employment if he becomes owner of land by way of sale, gift, exchange etc. after the date of Notification of Section-4 of Land Acquisition Act, 1894.
 - (f) Priority for consideration for providing employment from amongst eligible persons, not exceeding the number of unskilled and skilled workmen required to be recruited for the Project as decided by the Project Authority, shall be fixed by the concerned Deputy Commissioner in consultation with the Project Authority.

3.2 Procedure for employment

- 3.2.1 Every head of family will submit his application on the prescribed proforma in the office of Land Acquisition Officers/Relief and Rehabilitation office, Kol Dam Project as the Government may direct along with required affidavit, duly attested. Dates within which such applications are to be filled shall be fixed by the Land Acquisition Officers/Relief and Rehabilitation Office (RRO) with prior approval of the Deputy Commissioner concerned, in consultation with the executing agency.

3.2.2 Particulars of each affected family shall be entered in the list to be maintained in the office of the Land Acquisition Officer/RRO on the basis of particulars filled in the application and Panchayat Parivar Register entry shall be entered in the list against all such families. LAO/RRO Kol Dam will send the list to the D.C. and names of eligible persons shall be sponsored by the Deputy Commissioner concerned in the shape of mohal-wise lists to the project authorities for consideration of employment, depending upon the number of vacancies as determined by NTPC.

3.2.3 Form of application along with specimen of affidavit shall be supplied to each head of family by the Land Acquisition Officer/RRO Kol Dam Project free of cost.

3.3 Secondary Employment

For practical reasons it may not be possible for the Project Authorities to provide direct employment to all the eligible persons due to many constraints. But every affected family shall have to be helped in starting some gainful occupation/getting training. Therefore, for such eligible persons who may not be accommodated in direct employment, the Project Authorities will help them in any one of the following manner :

3.3.1 The project authorities will construct shopping complexes in which a limited number of small shops/stalls will be earmarked for allotment to the eligible persons after appropriate consultation regarding capability and aptitude on a nominal rental as fixed by the Corporation.

3.3.2 Some members of the oustee families may qualify to go for vocational training courses like ITI etc. NTPC will pay the training cost including tuition, residential hostel charges, books and stationery requirement charges. However, no job commitment could be given to trained persons.

3.3.3 For starting an income generation scheme/self employment etc. the Project Authority will provide financial grant of Rs. 15,000/- except in the case of shops allotted to the land oustees.

3.3.4 The project authorities will also consider to award petty contracts to the Co-operatives of eligible families on preferential basis so that some of them may be engaged in such jobs also. Secondly, the project authorities will persuade their contractors to engage eligible persons from effected families on a preferential basis wherever possible during construction stage.

3.3.5 The oustee families shall be given preference in fishing rights in the Project Reservoir as a mode of livelihood.

3.3.6 These steps will ultimately lead to facilitation for adjustment of all the eligible persons in different employment/income generation scheme/self employment etc. for appropriate rehabilitation.

A Village Development Advisory Committee will be constituted by the executing agency with the representatives of State Govt. executing agency, land oustees and village Panchayat for monitoring & implementing the above scheme.

Note.—Words “Project Authority” wherever occurring, shall be replaced by the words “NTPC”.